

### **REMARKS**

The only issues outstanding in the office action of December 28, 2009, are the objection to claim 3 and the rejections under 35 U.S.C. 112. Claims 1, 2, 4, 6, 7 and 9 have been indicated as being allowable. It is respectfully submitted that, in view of the following discussion, all claims are in condition for allowance.

#### **Claim Objections**

Claim 3 has been objected to as being of improper dependent form, containing compounds which are not within the scope of formula I of claim 1. The claim has been placed in independent form and, moreover, the compound of example 2 in the specification has been added to the claim. This compound also does not contain a double bond at Q. Withdrawal of the objection to claim 3 is respectfully requested.

#### **Rejections Under 35 U.S.C. 112**

Claims 12 and 15 have been rejected under 35 U.S.C. 112, first paragraph. It is argued that, although the specification is enabling for treatment of anxiolytic, anti-depressant, neuroleptic and/or antihypertonic effects, treatment of migraines and obsessive-compulsive disorder, the specification does not enable treatment of cerebral infarctions, stroke or cerebral ischaemia. While applicants respectfully disagree with this analysis, in order to expedite prosecution, claim 12 has been amended in order to delete "cerebral infarctions" and claim 15 has been cancelled. Thus, it is submitted that this issue is moot.

The claims of the application are accordingly submitted to be in condition for allowance. However, should the Examiner have any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Harry B. Shubin/

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